

for extension of time to file an amended petition.

Petitioner's amended petition was filed on May 27, 2016. Petitioner alleged that she suffered vaccine-induced brain damage and Postural Orthostatic Tachycardia Syndrome ("POTS") as a result of receiving the Gardasil, hepatitis B, polio, and MMR vaccinations on December 5, 2012. Amended Petition at preamble. Petitioner filed additional medical records over the course of the next six months, and she filed an amended statement of completion on January 9, 2017.

Respondent filed his Rule 4(c) Report on April 28, 2017, recommending against compensation and requesting additional medical records. Petitioner filed additional medical records in May, June, and July 2017, and additional time was granted for petitioner to file additional missing records. On September 1, 2017, an Order to Show Cause was issued due to petitioner's failure to file outstanding medical records. Petitioner was warned that her case would be dismissed if the records were not filed by October 2, 2017.

Petitioner filed the missing records responsive to the Order to Show Cause and was thereafter ordered to file an expert report by November 27, 2017. On November 27, 2017, petitioner filed a status report in which she stated that after speaking to several medical experts, she was requesting 30 days to file a motion to dismiss her case.

On December 27, 2017, petitioner filed an affidavit from her mother and a motion to dismiss her petition. Motion to Dismiss dated December 27, 2017 (ECF No. 56). Petitioner stated that "[a]n investigation of the facts and science supporting her case has demonstrated ... that she will be unable to prove that she is entitled to compensation." *Id.* at 1. She thereby requested that her petition be dismissed. *Id.*

To receive compensation under the Program, petitioner must prove either: 1) that she suffered a "Table Injury"—i.e., an injury falling within the Vaccine Injury Table—corresponding to a vaccination, or 2) that her injuries were actually caused by a vaccine. *See* §§ 300aa-13(a)(1)(A) and 300aa-11(c)(1). An examination of the record did not uncover any evidence that petitioner suffered a "Table Injury," nor does petitioner allege that she suffered a "Table Injury." Further, the record does not contain any persuasive evidence indicating that petitioner's PCOS, POTS, brain damage, or any other injuries were caused by the vaccinations she received on December 5, 2012.

Under the Vaccine Act, a petitioner may not be awarded compensation based solely on petitioner's claims. Rather, the petition must be supported by either medical records or by the opinion of a competent physician. § 300aa-13(a)(1). In this case, because the medical records are insufficient to establish entitlement to compensation, a medical opinion must be offered in support. Petitioner has been unable to find an expert to opine as to causation and has not filed an expert report. Thus, petitioner stated that she is otherwise unable to prove that she is entitled to compensation in the Vaccine Program.

Accordingly, it is clear from the record in this case that petitioner has failed to demonstrate either that she suffered a "Table Injury" or that her injuries were caused-in-fact by

her December 5, 2012 vaccinations.

Therefore, this case is dismissed for insufficient proof. In the absence of a motion for review,³ the Clerk of the Court **SHALL ENTER JUDGMENT** in accordance with this decision.

IT IS SO ORDERED.

s/Nora Beth Dorsey
Nora Beth Dorsey
Chief Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.